

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF) APPEAL NO. 07-A-2100
WAYNE COLEMAN from the decision of the) FINAL DECISION
Board of Equalization of Ada County for tax) AND ORDER
year 2007.)

VACANT LAND APPEAL

THIS MATTER came on for hearing, September 14, 2007, in Boise, before Hearing Officer Sandra Tatom. Board Member Lyle R. Cobbs, David E. Kinghorn and Linda S. Pike participated in this decision. Appellant Wayne Coleman appeared. Deputy Assessor Tina Winchester and Dave Jauquet appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization modifying the protest of the valuation for taxing purposes of property described as Parcel No. R9474540300.

The issue on appeal is the market value of vacant land adjacent to a residence. The decision of the Ada County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$175,000. Appellant requests the land value be reduced to \$10,000.

Subject property is an unimproved lot adjacent to Appellant's main residence. The two lots cannot be combined into one parcel because they are located in different taxing districts. The lots are utilized as one site.

Appellant testified the assessed value increased from \$33,000 in 2006 to \$175,000 in 2007 and described the property as partly river bottom with a stream, covered with weeds, grass, cattails and located in the flood plain. There is no access

other than a foot path. The property serves as a horse pasture until it dries up. The portion that dries up is not irrigated and is covered with weeds.

The taxpayer doubts anyone would purchase this parcel for the \$175,000 assessed value, particularly due to the access issue. There is no power on site and Appellant has looked into splitting this portion of the property. He was advised however, that a split of the property would constitute an illegal subdivision.

Appellant maintained that subject is over-assessed.

Respondent presented sales of two improved properties in the surrounding area. The Assessor explained subject was valued together with the residence where they were used together. The parcels of land were then broken down and an allocated value was placed on each. A plat map of the surrounding area was also submitted to demonstrate that assessed land values placed on the neighboring lots were uniform.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

The County presented market information. Market value is the standard for property tax assessment purposes. Idaho Code § 63-201(10) provides:

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between

a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

For a land valuation question like here, reference to the recent prices paid for comparable property is considered evidence of value, although because of the uniqueness of subject neither party found comparable land sales to present to the Board. Respondent did submit assessed land value of surrounding properties with the same type of land and the values were uniform.

The Assessor's valuation of property for purposes of taxation is presumed correct. *The Senator, Inc. v. Ada County Bd. of Equalization*, 138 Idaho 566, 569, 67 P.3d 45, 48 (2003). The court will grant relief where the valuation fixed by the assessor is manifestly excessive, fraudulent or oppressive; or arbitrary, capricious and erroneous resulting in discrimination against the taxpayer. *Merris v. Ada County*, 100 Idaho 59, 593 P.2d 394 (1979).

No error in the assessed value of subject has been demonstrated by Appellant. The subject value increased significantly, however the increase was based on recent market sales. Ultimately, the Board is persuaded by Respondents' case. In the absence of precise or persuasive evidence from Appellant, the Board affirms the decision of the Ada County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is affirmed.

MAILED DECEMBER 18, 2007